

FROM: WINSTON &amp; STRAWN LLP



07/01/04

2154

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: REID et al.

Confirmation No.: 2108

Application No.: 09/782,172

Group Art Unit: 2154

Filing Date: February 12, 2001

Examiner: M. Siddiqi

For: LIVE NAVIGATION WEB-  
CONFERENCING SYSTEM AND METHOD

Attorney Docket No.: 7663-6000

**REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby revokes all previous powers and hereby appoints Allan A. Fanucci (Reg. No. 30,256), Daniel J. Hulseberg (Reg. No. 36,554), and Jeffrey A. Wolfson (Reg. No. 42,234) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of the Patent Department (telephone 202-371-5904, facsimile 202-371-5950).

An assignment of the entire interest in the above-identified subject application from the inventors to Eloquent, Inc. was recorded on July 30, 2001 at Reel 012026, Frame 0077, and corrected on December 31, 2004, at Reel 012414, Frame 0047, and an assignment of the entire interest from OpenText Eloquent, Inc., which is a successor in interest to Eloquent, Inc., to Open Text Corporation is submitted herewith for recording and a copy is attached. A copy of document showing the succession of title from Eloquent, Inc. to OpenText Eloquent, Inc. is also attached.

The undersigned has reviewed this assignment and chain of title documents and, to the best of his/her knowledge, title is in the assignee seeking to take action in this application and that he/she is empowered to act on its behalf.

ASSIGNEE: OPEN TEXT CORPORATION

Signature: Sheldon PolanskyDate of Signature: May 27, 2004Typed Name: Sheldon PolanskyPosition/Title: SecretaryAddress: 185 Columbia Street WestWaterloo, Ontario N2L5Z

FROM: WINSTON &amp; STRAWN LLP

**COPY****ASSIGNMENT****WHEREAS,**

**OPENTEXT ELOQUENT INC.**, a Delaware corporation, having its principal place of business at 2000 Alameda de las Pulgas, San Mateo, CA 94403

**ASSIGNOR**, has the entire rights, title and interest in the invention in **LIVE NAVIGATION WEB-CONFERENCE SYSTEM AND METHOD** by virtue of an assignment recorded on July 30, 2001 at Reel 012026, Frame 0077, and corrected on December 31, 2001 at Reel 012414, Frame 0047, for which an application for a Patent of the United States, and is identified by Winston & Strawn LLP Docket No. 7663-6000 was filed on February 12, 2001 as Application No. 09/782,172

**WHEREAS, OPEN TEXT CORPORATION**, a Canadian corporate body having a place of business at 185 Columbia Street West, Waterloo, ONTARIO N2L5Z, **ASSIGNEE**, is desirous of obtaining **ASSIGNOR**'s entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each **ASSIGNOR** has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said **ASSIGNEE**, its successors, legal representatives and assigns, his or her entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

And each **ASSIGNOR** hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to

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**COPY**

the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to convey the entire interest herein assigned, and that he or she has not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to him or her respecting said invention, testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries;

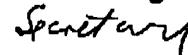
And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, ASSIGNOR has affixed his or her signature.

Date May 27, 2004

  
OPENTEXT ELOQUENT INC

Authorized Signatory

  
Secretary

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Delaware

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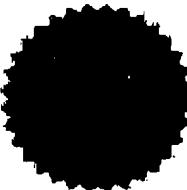
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "ELOQUENT OPEN TEXT INC.", CHANGING ITS NAME FROM "ELOQUENT OPEN TEXT INC." TO "OPEN TEXT ELOQUENT INC.", FILED IN THIS OFFICE ON THE THIRD DAY OF JULY, A.D. 2003, AT 6:26 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

2490863 8100

030443206



Harriet Smith Windsor  
Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 2512680

DATE: 07-07-03

FROM: WINSTON &amp; STRAWN LLP

**COPY**

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 09:42 PM 07/03/2003  
FILED 09:42 PM 07/03/2003  
SRV 030443206 - 2490063 FILE

**CERTIFICATE OF AMENDMENT OF CERTIFICATE OF  
INCORPORATION  
OF  
ELOQUENT OPEN TEXT INC.**

ELOQUENT, INC. (the "Company"), a corporation organized and existing under and by virtue of the provisions of the General Corporation Law of the State of Delaware (the "General Corporation Law").

DOES HEREBY CERTIFY:

1. That the name of the Company is Eloquent Open Text Inc.; and the date of filing the original Certificate of Incorporation of the Company with the Secretary of State of the State of Delaware is March 29, 1995.

2. That the Board of Directors of the Company duly adopted resolutions proposing to amend the Company's Restated and Amended Certificate of Incorporation, declaring said amendment to be advisable and in the best interests of the Company and its stockholders, and authorizing the appropriate officers of the Company to sell/s the consent of the stockholders therefor, which resolutions setting forth the proposed amendment is as follows:

RESOLVED, that Article I of the Company's Certificate of Incorporation be amended and restated to read in its entirety as follows:

The name of the corporation is Open Text Eloquent Inc. (the "Company").

3. The foregoing amendment was approved by the holders of the requisite number of shares of the Company in accordance with Section 228 of the General Corporation Law.

4. That said amendment was duly adopted in accordance with the provisions of Section 242 of the General Corporation Law.

IN WITNESS WHEREOF, this Certificate of Amendment has been executed by the Chairman and Secretary of the Company this 19 day of June, 2003, who affirms that the statements made herein are true and correct.

**ELOQUENT OPEN TEXT INC.**

John Shackleton, President

  
Sheldon Polansky, Secretary

17202153673.1

FROM: WINSTON &amp; STRAWN LLP

**COPY**

**CERTIFICATE OF AMENDMENT OF CERTIFICATE OF  
INCORPORATION  
OF  
ELOQUENT OPEN TEXT INC.**

ELOQUENT, INC. (the "Company"), a corporation organized and existing under and by virtue of the provisions of the General Corporation Law of the State of Delaware (the "General Corporation Law").

**DOES HEREBY CERTIFY:**

1. That the name of the Company is Eloquent Open Text Inc. and the date of filing the original Certificate of Incorporation of the Company with the Secretary of State of the State of Delaware is March 29, 1995.
2. That the Board of Directors of the Company duly adopted resolutions proposing to amend the Company's Restated and Amended Certificate of Incorporation, declaring said amendment to be advisable and in the best interests of the Company and its stockholders, and authorizing the appropriate officers of the Company to solicit the consent of the stockholders therefor, which resolutions setting forth the proposed amendment is as follows:

**RESOLVED**, that Article I. of the Company's Certificate of Incorporation be amended and restated to read in its entirety as follows:

'The name of the corporation is Open Text Eloquent Inc. (the "Company").

3. The foregoing amendment was approved by the holders of the requisite number of shares of the Company in accordance with Section 228 of the General Corporation Law.

4. That said amendment was duly adopted in accordance with the provisions of Sections 242 of the General Corporation Law.

**IN WITNESS WHEREOF**, this Certificate of Amendment has been executed by the Chairman and Secretary of the Company this 18 day of June 2003, who affirms that the statements made herein are true and correct.

**ELOQUENT OPEN TEXT INC.**

  
John Shackleton, President

  
Sheldon Polansky, Secretary

FROM: WINSTON &amp; STRAWN LLP

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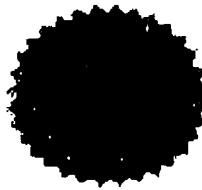
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "ELOQUENT, INC.", CHANGING ITS NAME FROM "ELOQUENT, INC." TO "ELOQUENT OPEN TEXT INC.", FILED IN THIS OFFICE ON THE TWENTY-FOURTH DAY OF JUNE, A.D. 2003, AT 3:14 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

2490863 8100  
030416473

AUTHENTICATION: 2494166

DATE: 06-25-03

FROM: WINSTON &amp; STRAWN LLP

**COPY**

**CERTIFICATE OF AMENDMENT OF CERTIFICATE OF  
INCORPORATION  
OF  
ELOQUENT, INC.**

ELOQUENT, INC. (the "Company"), a corporation organized and existing under and by virtue of the provisions of the General Corporation Law of the State of Delaware (the "General Corporation Law").

DOES HEREBY CERTIFY:

1. That the name of the Company is Eloquent, Inc., and the date of filing the original Certificate of Incorporation of the Company with the Secretary of State of the State of Delaware is March 29, 1995.

2. That the Board of Directors of the Company duly adopted resolutions proposing to amend the Company's Restated and Amended Certificate of Incorporation, dedicating said amendment to be advisable and in the best interests of the Company and its stockholders, and authorizing the appropriate officers of the Company to solicit the consent of the stockholders therefor, which resolutions setting forth the proposed amendment is as follows:

RESOLVED, that Article I of the Company's Certificate of Incorporation be amended and restated to read in its entirety as follows:

The name of the corporation is Eloquent Open Text Inc. (the "Company").

3. The foregoing amendment was approved by the holders of the requisite number of shares of the Company in accordance with Section 220 of the General Corporation Law.

4. That said amendment was duly adopted in accordance with the provisions of Sections 242 of the General Corporation Law.

IN WITNESS WHEREOF, this Certificate of Amendment has been executed by the Chairman and Secretary of the Company this 18<sup>th</sup> day of June 2003, who affirms that the statements made herein are true and correct.

**ELOQUENT, INC.**

/s/ John Shucklin  
John Shucklin, President

/s/ Sheldon Polansky  
Sheldon Polansky, Secretary

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STATE OF DELAWARE  
Secretary of State  
Division of Corporations  
Delivered 09/08 PM 04/26/2003  
FILED 09:18 PM 04/26/2003  
SERIAL NUMBER P-5009823 FILED